IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

WRIT PETITION NO.1987 OF 1997

Yuvaraj Shahu Chatrapati Pani
Purvatha Seva Sahakari Sanstha
Maryadit ... Petitioners

vs.

The State of Maharashtra & ors. ... Respondents

Mrs.S.A.Mudbidri for the petitioners.

Mr.P.P.Chavan with Mr.Kiran Gandhi i/b.M/s.Little & Co.
for the respondents 2 and 3.

CORAM : R. M. LODHA &
A.S.BAGGA, JJ.

DATED : 30th June, 2006

P.C.

Mr.P.P.Chavan, the counsel for the respondents 2 and 3 submitted that though by the interim order dated October 17, 1997, the respondents were directed to reconnect the power supply to the petitioners on payment of reconnection charges yet since the petitioners have not paid reconnection charges, the reconnection of the power supply to the petitioners could not be done and finally by the order dated 20th February, 1999, the power supply has been permanently disconnected to the petitioners.

2. The counsel for the petitioners sought for time to seek instructions.

3. The writ petition pertains to the year 1997 and we find no justifiable reason to disbelieve the statement of the counsel for the respondents 2 and 3.

4. On October 17, 1997, the following interim order was passed:

> "Rule.
>
> The following interim order is passed:-
>
> (a) The Respondents Nos. 2 and 3 are directed to reconnect the power supply to the petitioners within two weeks from today, on payment of reconnection charges by the petitioners.
>
> (b) The petitioners contend that they have paid all the arrears upto 30.9.1996. This is disputed by the Respondents Nos. 2 and 3. This issue will be decided at the final hearing of the petition.
>
> (c) With regard to payments for the period subsequent to 30.9.1996, the Respondents Nos. 2 and 3 are directed to issue bills for the time being on the basis that the petitioners have cleared arrears upto 30.9.1996, which bills will be duly paid by the petitioners.
>
> (d) In the event of failure on the part of Petitioners to pay any amount under the bills referred to above, the Respondents Nos. 2 and 3 are at liberty to exercise their rights.
>
> (e) This order is without prejudice to rights and contentions of the parties."

5. It would, thus, be clear that on payment of reconnection charges by the petitioners, the respondents

2 and 3 were directed to reconnect the power supply as an interim measure. As stated by the counsel for the respondents 2 and 3, the petitioners did not make payment of reconnection charges. Obviously, therefore, no reconnection of the power supply was done to the petitioners. Later, on 20th February, 1999 the respondents 2 and 3 have permanently disconnected the power supply to the petitioners.

6. In this view of the matter, nothing remains to be decided in extraordinary jurisdiction.

7. It is clarified that the respondents 2 and 3 shall be at liberty to recover the arrears of power supply charges, if any, that was payable by the petitioners upto the date of the disconnection. Rule is discharged.

No costs.

(R.M. LODHA,J.)

(A.S. BAGGA,J.)